

REMARKS

Upon entry of this Amendment, Claims 1 to 16 and 27 are pending in the application. Claims 17 to 26 have been cancelled. Claims 1, 3, 4, 7 to 12 and 14 to 16 have been rejected. Claims 2, 5, 6 and 13 were indicated to be allowable if amended to overcome the objections of the Examiner. Claim 27 has been allowed.

Independent Claim 1 has been amended to clearly define the base as being mounted on the outer surface of the helmet. The claim has also been amended to clarify that the base extends outward from the back surface to the front surface in a direction away from the base. Upon review of Examiner Brittain's Office Action dated June 1, 2005, Applicants believe that Examiner Brittain is broadly reading the term adjacent when used in conjunction with the mounting of the base on the helmet to cover fasteners where a portion of the fastener such as the base is mounted in the surface or countersunk into the surface. Applicants have modified the language of Claim 1 to clearly call for the base to be mounted on the outer surface of the helmet.

Section (c) of Claim 1 has also been amended to more clearly identify the resilient member as being positioned between the base and the button. Section (c) of

allowed Claim 27 has been amended similarly.

In the Office Action

(1) Claims 1, 3, 8 to 10, 14 and 15 were rejected under 35 USC §103 as being unpatentable over Kintzi et al. (U.S. Patent No. 6,813,782) in view of England (U.S. Patent No. 988,558) and Sawyer (U.S. Patent No. 3,925,822). The references have been described in detail in a previous amendment and that discussion need not be repeated.

Independent Claim 1 has been amended to define the base 14 as being mounted on the outer surface of the helmet 100. Claim 1 was previously amended to define the base 14 as having a front surface and a back surface with an indentation 14D in the front surface. The claim has further been amended to clarify that the base 14 extends outward from the back surface to the front surface in a direction away from the helmet 100. The claim also calls for the button 16 to be positioned in the indentation 14D in the front surface of the base 14 and for the button 16 to move into the indentation 14D when the button 16 is depressed.

None of the above cited references show or suggest using a base mounted on the outer surface of the helmet and having an indentation, so that when the button is

depressed, the button moves into the indentation in the base. In both the Kintzi et al. and Sawyer references, the fasteners appear to be mounted on the surface of the helmet. However, neither of the references show or suggest using a base having an indentation such that when the button is depressed the button moves into the indentation. Examiner Brittain states that the England reference is the key reference that discloses the fastener itself. However, England does not show or suggest a fastener with a structure similar to the structure of Applicants' fastener. England does not show or suggest a fastener having a base mounted on a surface where the base extends outward away from the surface and wherein the base has an indentation for positioning the button. In England, the post, cup and spring of the fastener are countersunk into the surface holding the fastener (Figures 2 and 3). The mounting of the post, cup and spring into the surface holding the fastener, enables parts of the fastener to be practically flush with the surface. One of the objects of England is to provide a fastening in which the parts are or may be practically flush with the surface holding it. Thus, it would not be obvious to modify the fastener of the England reference to mount a base on the surface, since the fastener would not be flush or practically flush with the

surface.

Applicants believe that amended independent Claim 1 is unobvious to one skilled in the art and patentable over Kintzi et al. in view of England and Sawyer. Further, dependent Claims 3, 8 to 10, 14 and 15, as depending from patentable base Claim 1, are unobvious to one skilled in the art and patentable over the above cited references. Reconsideration of this rejection is requested.

(3) Claims 4, 7, 11 and 12 were rejected under 35 USC §103(a) as being unpatentable over Kintzi et al. (U.S. Patent No. 6,813,782) in view of England (U.S. Patent No. 988,558) and Sawyer (U.S. Patent No. 3,925,822) as applied to Claims 3 and 8 above and further in view of Takada (U.S. Patent No. 3,885,811). The references have been described in detail in a previous amendment and that discussion need not be repeated.

Applicants believe that in view of the discussions in paragraph 1, with regard to independent Claim 1, dependent Claims 4, 7, 11 and 12, as depending from unobvious and patentable base Claim 1, are unobvious to one skilled in the art and patentable over the above cited references. Further, Takada does not show or suggest mounting a base having an indentation on the outer surface of a helmet and mounting the button of the attachment device

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in the indentation of the base so that when the button is depressed the button moves into the indentation. Reconsideration of this rejection is requested.

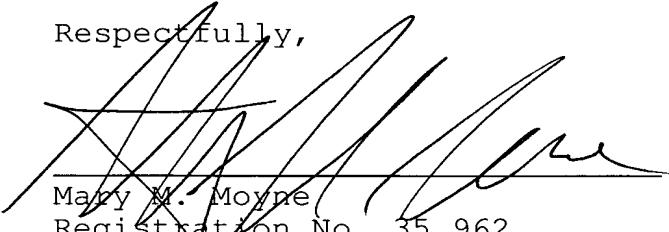
(4) Claim 16 was rejected under 35 USC § 103 as being unpatentable over Kintzi et al. (U.S. Patent No. 6,813,782) in view of England (U.S. Patent No. 988,558) and Sawyer (U.S. Patent No. 3,925,822) as applied to Claim 15 above and further in view of Puckett (U.S. Patent No. 3,928,896). The references have been described in detail in a previous amendment that discussion need not be repeated.

Applicants believe that in view of the discussions in paragraph 1, with regard to independent Claim 1, dependent Claim 16, as depending from unobvious and patentable base Claim 1, is unobvious to one skilled in the art and patentable over the above cited references. Furthermore, Puckett does not show or suggest mounting a base having an indentation on the outer surface of a helmet and mounting the button of the attachment device in the indentation so that when the button is depressed the button moves into the indentation. Reconsideration of this rejection is requested.

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Applicants believe that Claims 1 to 16 and 27 are now in condition for allowance. Notice of Allowance is requested.

Respectfully,


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